Docket No. MIT-214-CON

FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven M. Bowman

Serial No.: 10/743,669

Art Unit: 3739

Filed

: December 22, 2003

Examiner: Not Yet Assigned

For

: GRAFT FIXATION DEVICE COMBINATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, p-0, Box 1450, Alexandria, VA 22313-1450 on

(Dage of Deposit)

E. Richard Skula
(Name of applicant, assignee, or Registered Representative

-1

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

Please charge Deposit Account No. 10-	
0750/ / the fee of $$180.00$ as set forth	
in $\S1.17(p)$.	
<pre>In accordance with \$1.97(d), this Information</pre>	
Disclosure Statement is being filed after the mailing date of	
either a Final Action under §1.113 or a Notice of Allowance	
under §1.311 but before the payment of the Issue Fee.	
Applicant(s) hereby petition(s) for consideration of this	
Information Disclosure Statement. Included are: Statement in	
Accordance with \$1.97(e) as set forth below and the fee of	
\$180.00 as set forth in \$1.17(p).	
☐ Copies of each of the references listed on the	
attached Form PTO-1449 are enclosed herewith.	
attached Folk Flo 1449 are enclosed herewith.	
Copies of references listed on the attached Form PTO-	
1449 are enclosed herewith EXCEPT THAT:	
In view of the voluminous nature of references	
[list as appropriate], and the likelihood that	
these references are available to the Examiner,	
copies are not enclosed herewith.	
If any of the foregoing publications are not	
available to the Examiner, Applicant will	
endeavor to supply copies at the Examiner's	
request.	
Copies of only foreign patent documents and non-	
patent literature are enclosed in accordance with 37 CFR 1.98	
(a)(2). (The U.S. patents and each U.S. patent application	
publication listed on the attached Form PTO-1449 are not	
enclosed because this U.S. patent application was filed after	
June 30, 2003 or this international application has entered the	

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with \$1.97(b), since this Information X Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required. In accordance with \$1.129(a), this Information Disclosure Statement is being filed in connection with \(\square\$ the first or Second After Final Submission, therefore: Statement in Accordance with \$1.97(e) (attached); or Please charge Deposit Account No. 10-the fee of \$180.00 as set forth in \$1.17(p). In accordance with \$1.97(c), this Information Disclosure Statement is being filed after the period set forth in \$1.97(b) above but before the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311, or an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with \$1.97(e) П (attached); or

national stage under 35 USC $$371$ after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).
There are no listed references which are not in the English language.
The relevance of those listed references which are not in the English language is as follows: WO98/37825 with its English Abstract and WO99/52478 which is equivalent of AU 34925/99
Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/MIT-214-CON. This form is submitted in triplicate.

Respectfolly/submitted,

E. Richard Skula Reg. No. 31,061

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2718

DATED: 8/27/4

PTO/SB/08A (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) Sheet 1 of 1

a collection of information unless it displays a valid OMB control number.				
Application Number	10/743,669			
Filing Date	December 22, 2003			
First Named Inventor	S. Bowman			
Group Art Unit	3739			
Examiner Name	Not Yet Assigned			
Attorney Docket Number	MIT-214-CON			

U.S. PATENT DOCUMENTS								
Examiner Initials	Cite No.1	U.S. Patent Document Kind Code ² Number (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear		
		4,884,572		F. Barry Bays	12-05-1989			
		5,643,319		David T. Green	07-01-1997			
		6,251,143	B1	Robert E. Schwartz	06-26-2001			
			0					

FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, Date of Publication of Cited Document where relevant Name of Patentee or passages or relevant Examiner Cite mm-dd-yyyy Applicant of Cited Document figures appear Initials Number⁴ KindCode⁵ Office³ No. 10-03-1990 EΡ 0 390 613 A1 United States Surgical Corporation 0 390 613 81 08-10-1994 FP United States Surgical Corporation 0 589 306 A2 United States Surgical Corporation 09-10-1993 EP ĘΡ 1 138 263 **A2** Ethicon, Inc. 10-04-2001 With its English wo 98/37825 Synthes 09-03-1998 Abstract 99/52478 AXYA Medical, Inc. 10-21-1999 Equivalent of AU 34925/99

Examiner	Date
Signature	Considered

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WiPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document, s Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



SUBMISSION UNDER MPEP 609 D

Application Number	10/743,669
Filing Date	December 22, 2003
First Named Inventor	S. Bowman
Group Art Unit	3739
Examiner Name	Not Yet Assigned
Attorney Docket Number	MIT-214-CON

Page 1 of 1				Attorney Docket Number			MIT-214-CON		
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